

# EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WILMINGTON DIVISION  
Civil Action No. 7:15-cv-160

DANIELLE GORE SPIVEY, )  
vs. )  
Plaintiff, )  
DETECTIVE KEVIN NORRIS, in his )  
official capacity and individual )  
capacity; LEWIS L. HATCHER, in his )  
official capacity as Columbus )  
County Sheriff; and WESTERN SURETY )  
CO. as the SURETY for the Columbus )  
County Sheriff, )  
Defendants. )  
-----

) VIDEO-RECORDED  
DEPOSITION

DETECTIVE KEVIN NORRIS

TAKEN AT THE LAW OFFICES OF:  
CROSSLEY MCINTOSH COLLIER HANLEY & EDES, PLLC  
5002 Randall Parkway  
Wilmington, NC 28403

06-03-16  
08:37 O'CLOCK A.M.

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Court Reporter

Chaplin & Associates  
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(336) 992-1954

Detective Kevin Norris

ATTORNEY NOTES

PAGE LINE SUBJECT MATTER RELATES TO ACTION

Detective Kevin Norris

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Detective Kevin Norris

## I N D E X

STIPULATIONS	5
EXAMINATION	
By Mr. James	6, 71
By Mr. Wood	71
<hr/>	
ADJOURNMENT	72
REPORTER CERTIFICATE	73
WITNESS CERTIFICATION	74
WITNESS ADDENDUM	75

## E X H I B I T S

Name	Offered By	Identified
Exhibit Number One (CONFIDENTIAL PORTION - SBI Report)	Mr. James	65

Detective Kevin Norris

STIPULATIONS

Pursuant to Notice and/or consent of the parties, the deposition hereon captioned was conducted at the time and location indicated and was conducted before Paul Rohricht, Notary Public in and for the County of Mecklenburg, State of North Carolina at Large.

Notice and/or defect in Notice of time, place, purpose and method of taking the deposition was waived. Formalities with regard to sealing and filing the deposition were waived, and it is stipulated that the original transcript, upon being certified by the undersigned court reporter, shall be made available for use in accordance with the applicable rules as amended.

It is stipulated that objections to questions and motions to strike answers are reserved until the testimony, or any part thereof, is offered for evidence, except that objection to the form of any question shall be noted herein at the time of the taking of the testimony.

Reading and signing of the testimony was requested prior to the filing of same for use as permitted by applicable rule(s).

1 (08:37 o'clock a.m.)

2 The witness, DETECTIVE KEVIN NORRIS,  
3 being first duly sworn to state the truth, the  
4 whole truth, and nothing but the truth, testified  
5 as follows:

6 EXAMINATION

7 BY MR. JAMES:

8 Q Good morning, I'm Randy James. I met  
9 you in the waiting area, reception area briefly.  
10 I represent Ms. Spivey. I'm here to take your  
11 deposition. Have you ever given a deposition  
12 before?

13 A. No, sir.

14 Q. You have testified in court.

15 A. In state and federal.

16 Q. Yeah. This -- this is similar, except  
17 we don't have a referee ---

18 A. Okay.

19 Q. --- called a judge, all right? So, um,  
20 it's important. I call it an awkward  
21 conversation. It's important that you understand  
22 my questions. So if you don't understand my  
23 question, would you please tell me?

24 A. Yes, sir.

25 Q. If you respond to the question, I'm

1 going to assume that you understood. Is that  
2 fair?

3 A. Yes, sir.

4 Q. Okay. Um, you're here at my invitation.  
5 It's not an endurance contest. If you need a  
6 break at any time, I'd be happy to afford you a  
7 break. My only request is that you, if there's a  
8 pending question, if you'll respond to that  
9 question before the break.

10 A. Yes, sir.

11 Q. Um, is there any reason why you're not  
12 able to sit, listen and respond to my questions  
13 today?

14 A. No, sir.

15 Q. All right. Um, and should -- are you  
16 still a detective?

17 A. Yes, sir.

18 Q. Okay.

19 A. I'm a sergeant.

20 Q. Oh. Would you prefer I call you  
21 Sergeant Norris or Detective Norris?

22 A. Just call me Kevin.

23 Q. Well, I'll call you Mr. Norris.

24 A. That's fine, too.

25 Q. Okay. Um ---

1 A. That was my father, but that's fine.

2 Q. Okay. Um, Mr. Norris, if you will give  
3 me your address.

4 A. My home address?

5 Q. Yes.

6 A. [REDACTED]

7 [REDACTED].

8 Q. And what -- do you have a work cell  
9 phone?

10 A. I do.

11 Q. And what's your work cell phone number?

12 A. [REDACTED].

13 Q. Um, how are you employed, sir?

14 A. Um, employed with the Columbus County  
15 Sheriff's Office.

16 Q. And how long have you been employed by  
17 the Columbus County Sheriff's Office?

18 A. Um, since '97.

19 Q. What's your educational background?

20 Where did you go to high school?

21 A. Uh, Countryside High School, Clearwater,  
22 Florida.

23 Q. So you're originally from Florida?

24 A. Yes, sir.

25 Q. And after graduating high school -- what

1 year did you graduate?

2 A. '91.

3 Q. What did you do between '91 and '97?

4 A. Um, several stuff.

5 Q. Okay. You just -- let's do 'em  
6 consecutively. Graduated in '91. Did you go to  
7 work? Go to school?

8 A. Off and on.

9 Q. Okay. Did you go to school?

10 A. I went to -- I enrolled at  
11 St. Petersburg Junior College. I didn't finish.

12 Q. And did you attend any other colleges or  
13 take any other classes?

14 A. Um, I went to -- I did the basic law  
15 enforcement training at Southeastern Community  
16 College in '96.

17 Q. And what certificate or degree did you  
18 receive from that?

19 A. Um, a certification, um, a BLET. I get  
20 certified in law enforcement.

21 Q. Okay. Was that right before you went to  
22 work with the Columbus County Sheriff's  
23 Department?

24 A. Yes, sir.

25 Q. Where did you work in between, uh, your

1 BLET certification and, um, your high school  
2 graduation? What kind of things did you do?

3 A. Hmm, um, it's several stuff. I mean,  
4 it's -- I mean, I worked at Safety Harbor Spa, um,  
5 just on -- on and off jobs.

6 Q. Okay.

7 A. Worked for my dad. Um, I was a s --  
8 security guard while I was going to Southeastern  
9 for BLET as a security guard at the local hospital  
10 in Columbus County.

11 Q. And how long were you a security guard  
12 over at the hospital?

13 A. To give you an exact time I -- I can't.

14 Q. Sure, just ---

15 A. Um ---

16 Q. --- generally. Two months?

17 A. Probably a year.

18 Q. Okay.

19 A. If that.

20 Q. What's your dad do?

21 A. My dad's deceased.

22 Q. Well, what did he do when you worked for  
23 him?

24 A. He was, um, he, um, in cars, car  
25 business.

1 Q. Used cars? New cars?

2 A. Used -- used cars.

3 Q. Okay. In Florida?

4 A. Uh-huh (yes).

5 Q. Is that a yes?

6 A. Yes.

7 Q. Okay. It's important to articulate your

8 answers. Uh-huhs, huh-uhs, uh, look pretty

9 similar on the record. We want to make sure

10 that ---

11 A. Yes, sir.

12 Q. --- the, uh, court reporter's understood

13 what you said. So, um, what brought you to North

14 Carolina?

15 A. My dad retired and moved up here to

16 Bolton, which is in Columbus County.

17 Q. And what year did you come up here?

18 A. I want to say '96.

19 Q. What's your date of birth, Mr. Norris?

20 A. [REDACTED]-72.

21 Q. Um, are you married?

22 A. Yes.

23 Q. And when did you get married?

24 A. 2009.

25 Q. Is this the first and only marriage?

1 A. Yes.

2 Q. Okay. And children?

3 A. One.

4 Q. How old is your ---

5 A. She's six.

6 Q. Okay. So you went to work at Columbus  
7 County Sheriff's Department as what? What was  
8 your initial job?

9 A. Deputy sheriff.

10 Q. And what were your duties as deputy  
11 sheriff?

12 A. Um, I served child support papers. I  
13 worked the road, patrol.

14 Q. Okay.

15 A. And then I got moved to the narcotics  
16 division.

17 Q. And when were you moved to narcotic --  
18 narcotics?

19 A. Don't hold me to it. Around -- right  
20 around about '99.

21 Q. And did you have a promotion in terms of  
22 rank?

23 A. Since I've been there?

24 Q. No, when you were moved to narcotics?

25 A. No, just as a detective.

1 Q. Okay. So you became a detective then?

2 A. Uh-huh (yes). Yes, sir.

3 Q. And did you receive any -- had you  
4 received any additional training between '96 and  
5 '99 as it relates narcotics, undercover work or  
6 anything of that nature?

7 A. At that time?

8 Q. Yes, sir.

9 A. No, sir.

10 Q. Have you since that time?

11 A. We've been to several schools, um,  
12 federal schools that they put on.

13 Q. What schools have you been to?

14 A. Um, if you call it a sc -- I mean,  
15 schools like as in conferences and stuff like  
16 that.

17 Q. So it's a one- or two-day event?

18 A. Yeah.

19 Q. And are they held in some regional area  
20 or do they come to you?

21 A. No, some at Carolina Beach. Um, I've  
22 been to Kitty Hawk. Been to Kentucky. Been, I  
23 mean, several places.

24 Q. And do you receive any certifications  
25 other than ---

1 A. You receive a certificate for attending.

2 Q. Okay, a certificate of attendance.

3 A. Uh-huh (yes).

4 Q. Are you tested on any knowledge base  
5 that you learned during the one- or two-day  
6 conference?

7 A. Like as a test at the end?

8 Q. Yes.

9 A. No, sir.

10 Q. Okay. And what are the various subject  
11 matters of these?

12 A. Just different subjects.

13 Q. Such as?

14 A. Cocaine, marijuana, prescription pills,  
15 um, just...

16 Q. Okay. Um, were you ever assigned  
17 undercover work in narcotics?

18 A. Undercover as for?

19 Q. I don't know what it means. I mean, I  
20 just watch TV shows and they have people go ---

21 A. Have I ever went out and bought stuff?

22 Q. Yeah.

23 A. No.

24 Q. Okay. So you are primarily in a uniform  
25 when you're working? Or are you ---

1 A. No.

2 Q. --- in plain clothes?

3 A. What you see me wearing now.

4 Q. Okay. Now, are you still in narcotics?

5 A. Yes. I'm a sergeant in the narcotics  
6 division.

7 Q. And how long have you been a sergeant?

8 A. Four, maybe three or four months.

9 Q. Um, eh, what is the principal focus of  
10 your work in narcotics in Columbus County? Are  
11 you -- are you looking on highways? Or looking  
12 for transporting? What's your focus, if you have  
13 one?

14 A. Well, we get -- we get several  
15 complaints. Um, we get anonymous phone calls we  
16 check on. Um, just basically investigation of  
17 narcotics violations in Columbus County.

18 Q. Okay. Um, how does Columbus County  
19 compare to the Brunswick and Hanover counties in  
20 terms of narcotics abuse, narcotics in the county,  
21 that sort of thing?

22 A. It depends on what drug you talk about.

23 Q. Okay.

24 A. We're about ---

25 Q. Let's talk about ---

1           A.  We're probably number one in  
2  prescription pain killers.

3           Q.  All right.  So is it opioid, opioids?

4           A.  Opioids, yes.

5           Q.  Yes.  And what's the source of those?

6  Are they coming in from out of state or are they  
7  local doctors writing ---

8           A.  Doctors.

9           Q.  Doctors writing the ---

10          A.  Correct.

11          Q.  Okay.  And how is it that the physicians  
12  who are writing prescriptions when they're not  
13  necessarily needed by the patients?  How does that  
14  come to your attention?

15          A.  Through the community, through community  
16  complaints.

17          Q.  And how -- what sort of community  
18  complaint would you receive that would bring your  
19  attention ---

20          A.  We get anonymous phone calls.  We -- I  
21  mean, just the community complaints.

22          Q.  So, can you give me an example of an  
23  anonymous phone call?  Someone calls and says,  
24  "Hey, I think Dr. Smith is" ---

25          A.  We check on it.  Yes, sir.

1 Q. Okay. And when you say "we," who  
2 all ---

3 A. Um, I mean, there's -- there's five of  
4 us. We got lieutenant, sergeant and three  
5 detectives.

6 Q. What, um -- to what extent is heroine an  
7 issue in Bru -- Columbus County?

8 A. It's becoming a -- a major problem,  
9 probably like every county.

10 Q. Okay. Any other narcotics come to mind  
11 that are troublesome in Columbus County?

12 A. Cocaine was.

13 Q. But not as much any more?

14 A. Huh-uh (no).

15 Q. What about transporting through the  
16 county? You don't have the -- you don't have an  
17 interstate in Columbus County, do you?

18 A. Just 74.

19 Q. Okay. Y'all sit, monitor 74? Or use  
20 drug dogs on 74?

21 A. No.

22 Q. No? Um, have you worked anywhere other  
23 than Columbus County Sheriff's Department?

24 A. I was a jailer in Waycross, Georgia in  
25 Ware County.

1 Q. And when was that? Was that before '96

2 ---

3 A. '94, '95, somewhere.

4 Q. One of those jobs of the many jobs you  
5 had.

6 A. Yes.

7 Q. Okay. And so you were a jailer in  
8 Waycross, Georgia ---

9 A. Uh-huh (yes).

10 Q. --- for about a year.

11 A. Naw -- yeah.

12 Q. And that was an unsworn position?

13 A. It was a -- well, I mean, it's not a  
14 like certified for law enforcement. It's  
15 certified as a detention officer. Yes.

16 Q. Okay. Did you have to go to school for  
17 that?

18 A. Yes.

19 Q. Did you carry a firearm?

20 A. No.

21 Q. Where is Waycross, Georgia? Heard of  
22 it. What's it near?

23 A. Brunswick, 'cause you got 95 to  
24 Brunswick, cut over about 40 miles ---

25 Q. Okay.

1                   A.     Um, come off 75. It's about 40 miles  
2     in.

3 Q. Okay. Was it a federal prison or a  
4 state prison?

5 A. County.

6 Q. County prison. Okay. County jail?

7 A. Uh-huh (yes).

8 Q. Detention center?

9 A. Yes.

10 Q. What was your maximum population?

11 A. I can't tell you.

12 Q. I mean, like, 50 cells? Twenty cells?

13 A. I can't tell you that.

14 Q. All right. So, how did you come to know  
15 my client, Danielle Spivey?

16                   A.    Um, my wife and her mother are good  
17    friends.

18 Q. How are they good friends? Have they've  
19 known each other ---

20 A. I guess they knew each other growing up.

21 Q. Okay. What's Danielle's -- what's your  
22 wife's name?

23 A. Sandra

24 Q. And what's Danielle's mother's name?

25 A. Georgeanna.

1 Q. And is it a -- a friendship that they  
2 would socialize?

3 A. I can't tell you that. That's something  
4 that you would have to ask them.

5 Q. Have -- well, have you ever been  
6 socializing with your wife and Georgeanna and ---

7 A. Yes.

8 Q. --- and I guess, it's Danielle's  
9 stepfather?

10 A. Yes.

11 Q. Um, gotten together for dinners,  
12 picnics?

13 A. No.

14 Q. Okay.

15 A. No.

16 Q. How have you socialized?

17 A. They would come over. They would talk,  
18 I mean, stuff like that. But, I don't recall  
19 going to dinner with Ma. Take that back. We did  
20 go to dinner. Went to Loris. Um, other, like,  
21 hang out every day, every weekend? No.

22 Q. Okay. Is it something you get together  
23 and have -- engage in game activity? Cards?

24 A. No.

25 Q. Um, go to the movies?

1 A. No, sir.

2 Q. You just get together and talk?

3 A. Yeah.

4 Q. All right. What's, um, Georganna's  
5 husband's name?

6 A. Daylon.

7 Q. Spell that.

8 A. D-a-y-l-o-n, I assume.

9 Q. Okay. What does he do?

10 A. I can't tell you.

11 Q. So you haven't interacted with him  
12 enough to know ---

13 A. No.

14 Q. --- what he does for a living.

15 A. No.

16 Q. Okay. Um, how long have, um, you all  
17 interacted? I mean, did you know Danielle when  
18 she was younger?

19 A. No.

20 Q. When did -- what's your first  
21 recollection of having met Danielle?

22 A. I -- I can't tell you when I first met  
23 her. I mean ---

24 Q. Can you -- you recall how old she was  
25 when you first met her?

1 A. No. I -- I knew she was married to um,  
2 um, he was the football coach at South (inaudible)  
3 I can't ---

THE VIDEOGRAPHER/COURT REPORTER:

5 Coach where, um, sir?

THE WITNESS: South Columbus.

THE VIDEOGRAPHER/COURT REPORTER:

8 Thank you.

THE WITNESS: I can't -- I can't

11 Q. (Mr. James) All right. Did you go to  
12 that wedding ---

13 A. NO.

14 Q. --- when Danielle married the football  
15 coach at ---

16 A. No, sir.

17 O. --- South Columbus?

18 A. No, sir.

19 Q. Do you remember his name?

20 A. I don't.

21 Q. Okay. Um, did they have any children?

22 A. Not that I know of.

23 Q. Okay. Um, have -- have you been at, uh,  
24 Georganna's house when Danielle was there?

25 A. Yes.

1 Q. Um, and when Danielle was there, do you  
2 recall was she there with the football coach  
3 husband or with ---

4 A. No. No.

5 Q. With no one?

6 A. She was with there with her boyfriend  
7 then, husband now.

8 Q. Jonathan?

9 A. Yes.

10 Q. Okay. Um, do you recall that event?  
11 What would have ---

12 A. We were playing pool.

13 Q. Billiards. And does Georgeanna and  
14 Daylon have a billiards table?

15 A. They do.

16 Q. Okay.

17 A. Um, they had a billiards team and  
18 that -- that I was on. That's ---

19 Q. A billiards team?

20 A. Uh-huh (yes). We played pool together  
21 at the beach, at Myrtle Beach.

22 Q. So who -- who all was on the billiards  
23 team?

24 A. Several people.

25 Q. Yeah. It was ---

1 A. I can name some.

2 Q. That's fine.

3 A. Daylon, Georgeanna, myself, um, Dwayne  
4 Clark, Jonathan, um, Kanish Patel. That's all I  
5 can think of right now.

6 Q. Okay. And was it a league?

7 A. It was.

8 Q. Um, did the league have a name?

9 A. It was the APA League at the beach,  
10 Myrtle Beach.

11 Q. And what does APA stand for? American  
12 Pool Association?

13 A. I'm assuming.

14 Q. Okay.

15 A. I guess. I don't...

16 Q. And how often would you all compete?

17 A. We played on, um, I think we played on  
18 Tuesdays nights at the beach.

19 Q. And approximately when did this league  
20 start and how long did you participate?

21 A. Can't tell you, but I -- I continued to  
22 play when they dropped out.

23 Q. So do you play now?

24 A. No, sir.

25 Q. Can you tell me when it started? I

1 mean, obviously it was before Danielle married  
2 Jonathan, right? Or not?

3 A. You're asking me dates that I -- I can't  
4 recall. Um, um, I would tell you I'm assuming it  
5 started before that ---

6 Q. All right.

7 A. --- but I can't be for sure.

8 Q. Okay. So is it fair to say that during  
9 the time that Jonathan Spivey participated on this  
10 team ---

11 A. Um-hmm.

12 Q. --- and y'all played Tuesdays at Myrtle  
13 Beach ---

14 A. Um-hmm.

15 Q. Uh, would he regularly be there?

16 A. Well, I mean -- I mean, he missed some  
17 nights, yes, just like I missed nights.

18 Q. Right.

19 A. Yes.

20 Q. Um, and it's -- and you all would play  
21 year round or was there a season?

22 A. Uh, I think it was like six months out  
23 of the year and then -- and then a new -- and then  
24 the new sessions start.

25 Q. Was your -- did your team have a name?

1 A. It did, but I can't recall what it was.

2 Q. Okay. Was it based in Tabor City? Or  
3 was it based in Columbus County?

4 A. We played at a bar at the beach.

5 Q. Okay. What was the name of the bar?

6 A. We played out of H.B. Spokes and when  
7 they closed, we went down to Shore Thing.

8 Q. S-h-o-r-e?

9 A. Uh-huh (yes).

10 Q. That's a yes?

11 A. Yes.

12 Q. And you're playing at -- is it North  
13 Myrtle Beach or...

14 A. Uh, the first one was on Highway 9. I  
15 would say Little River, and the other one was in  
16 Myrtle Beach.

17 Q. So how long have you been playing in  
18 this league, roughly?

19 A. Two, three years.

20 Q. So Jonathan played in the league just in  
21 the last three years?

22 A. No. No, no, no, no, no.

23 Q. Okay.

24 A. No, we played -- he was on, um -- no, he  
25 ain't played in a while.

1 Q. Okay.

2 A. I continued on to play.

3 Q. Right. So I'm trying to go back to the  
4 time when you, Jonathan, Patel ---

5 A. I can tell you I know it was in 2010  
6 because I just bought a truck, a 2010 Ford truck.  
7 So I know it was in 2010.

8 Q. Um, so, how did your team form? Who ---

9 A. Daylon. Daylon's ---

10 Q. Daylon is the organizer?

11 A. Yes. He was the captain.

12 Q. And would you guys car pool down to  
13 Myrtle Beach?

14 A. On some, yes.

15 Q. And who all would ride? Would it be the  
16 whole team ride together?

17 A. No.

18 Q. No.

19 A. Um, just you got there how, you know,  
20 however. Some people would ride with some. Some  
21 won't. Some just drive.

22 Q. But would Jonathan sometimes ride with  
23 you?

24 A. No.

25 Q. Did you ever ride with Jonathan?

1           A.    No.

2           Q.    Did Jonathan ride with Daylon and you  
3   rode with Daylon?

4           A.    No.

5           Q.    Okay. So can't recall a time when you,  
6   Jonathan and Daylon are in the car together going  
7   to and from?

8           A.    Huh-uh (no).

9           Q.    Um, how many times would you say that  
10   you and Jonathan were on the team competing down  
11   in Myrtle Beach on Tuesday night? More than ten?  
12   Less than ten?

13          A.    I couldn't give you an exact number.

14          Q.    Not looking for an exact number. I'm  
15   just asking generally your best recollection.

16          A.    I would say several.

17          Q.    Okay. What does several mean to you?  
18   Is it more than ten? Less than ten?

19          A.    More than once.

20          Q.    Okay. Um, so how long did Daylon  
21   participate in the billiards team before they  
22   dropped out and you continued on?

23          A.    They played well before I joined.

24          Q.    Wait. I'm talking about when you  
25   joined. When you joined, how long did Daylon play

1 in the league? More than a year?

2 A. Yes.

3 Q. Um, more than two years?

4 A. I know -- I know when they dropped out.

5 Q. When they drop out?

6 A. Somewhere right around the time this all  
7 hap -- this incident or not -- this stuff with  
8 Ms. Spivey.

9 Q. Okay. So the arrest of Ms. Spivey  
10 prompted them to discontinue in the billiards?

11 A. I can't tell you why they dropped out.  
12 You'd have to ask them.

13 Q. Okay. But you recall that as a result  
14 of ---

15 A. They no longer played.

16 Q. Okay.

17 A. Yes.

18 Q. So, Jonathan Spivey was arrested for DWI  
19 before this incident, correct?

20 A. I -- without dates in front of me, I  
21 couldn't tell you.

22 Q. All right. Do you recall Jonathan  
23 continued to play after he was arrested for DWI?

24 A. I can't recall.

25 Q. All right. What did you look at before

1 coming here today to testify? And understand,  
2 that I'm not permitted to ever ask what you and  
3 your attorney talked about, and so don't interpret  
4 any of my questions as including something that  
5 you may have talked about with your attorney. But  
6 what did you look at ---

7 MR. BLANCHARD: You're asking about  
8 documents ---

9 MR. JAMES: Correct.

10 MR. JAMES: --- that he reviewed?

11 A. (The Witness) I briefly looked at the  
12 SBI, um, documents.

13 Q. Okay. Did you look at any pleadings,  
14 like your answer to the lawsuit?

15 A. I didn't look at that.

16 Q. All right. Did you look at the  
17 complaint?

18 A. The complaint is what?

19 Q. It's what brought the lawsuit.

20 A. No.

21 Q. Okay.

22 A. I looked at the SBI documents from the  
23 incident and the investigation with Ms. Spivey.

24 Q. Right. I understood that. I just was  
25 wondering what else you may have looked at.

1 A. No, no, no.

2 Q. All right. Um, do you have your own  
3 copy of the SBI report?

4 A. I got it on email.

5 Q. All right. Who sent it to you?

6 A. My lawyer.

7 Q. And you just kept it on your work email?

8 A. I just received it day before yesterday.

9 Q. Um, I want to talk for a minute about  
10 the arrest of Jonathan Spivey for DWI. Um, did  
11 you stop him?

12 A. Yes, sir. I did.

13 Q. And then after stopping him, did you  
14 call someone else to assist?

15 A. I did. I turned it over to another, um,  
16 deputy.

17 Q. And why did you stop him?

18 A. Um, left of center and almost hit a  
19 bridge.

20 Q. On which road?

21 A. Highway 904 East.

22 Q. Now prior to that stop, had Jonathan  
23 continued to participate in this billiards team?

24 A. Now, I cannot recall that.

25 Q. You can't relate the two?

1 A. Huh-uh (no).

2 Q. Um, and had you observed Jonathan  
3 drinking on the night you played pool?

4 A. Have I observed him?

5 Q. Yeah.

6 A. I can't recall. That's -- I mean -- I  
7 mean, you're talking three, four years, five  
8 years. I mean, you're talking a while back.

9 Q. Well, did you ever observe consuming  
10 alcohol while you were playing pool with him?

11 A. I can't recall that.

12 Q. Um, had you ever observed Jonathan  
13 consuming alcohol at any time?

14 A. I can't recall that.

15 Q. Okay. Um, did you call Sergeant Potter  
16 to come to the, uh, location?

17 A. No, sir. I did not.

18 Q. Okay. How -- how did you involve  
19 another officer?

20 A. Um, without having my notes and stuff in  
21 front of me I can't -- I mean, I -- I mean, you're  
22 asking me something I cannot sit here and tell you  
23 exactly what happened.

24 Q. Well, what were you doing on 904 East?

25 A. Was patrolling.

1 Q. And patrolling for narcotics?

2 A. Yes.

3 Q. And how do you patrol for narcotics when  
4 you're out on patrol?

5 A. They're violating a Chapter 20 offense:  
6 loose stop, speeding, um, left of center, stuff  
7 like that. We would stop and do our Chapter 20  
8 offense. Then we'll -- you know, if we smell  
9 marijuana, we do our little investigation.

10 Q. Okay. So, was that -- were you assigned  
11 a particular area, geographic area? Or did you  
12 run the entire county?

13 A. The whole county.

14 Q. Okay. Um, did you know that Jonathan  
15 Spivey, Danielle Spivey lived off 904 East?

16 A. I can't recall.

17 Q. Do you know -- did you know where they  
18 lived at the time?

19 A. At that time?

20 Q. Yes.

21 A. I -- I can't recall.

22 Q. Did you know when you stopped the Spivey  
23 vehicle, did you run a tag check to see who you  
24 were stopping or ---

25 A. I did call the tag in. Yes, sir.

1 Q. Okay. So you didn't know who was -- who  
2 owned that vehicle.

3 A. Not at the time. No, sir.

4 Q. And when you called it in, was it  
5 registered to a Spivey?

6 A. I already went -- when I called it in, I  
7 already been at -- I got out of my car and went  
8 and asked for a driver's license, registration.

9 Then I knew who it was.

10 Q. All right. So you knew him when you saw  
11 him.

12 A. Uh-huh (yes). I did.

13 Q. And did -- what, if anything, did he say  
14 to you?

15 A. I can't recall.

16 Q. No recollection.

17 A. No.

18 Q. Um, so what prompted you to call another  
19 officer to participate in the investigation?

20 A. 'Cause I don't han -- I don't handle  
21 DUIs. We had a traffic team at the time that  
22 mainly handled DUIs.

23 Q. So you made the stop based upon left of  
24 center. That was your probably cause.

25 A. Correct.

1 Q. And on -- according to you, almost  
2 hitting a bridge?

3 A. Uh-huh (yes).

4 Q. Which bridge was it?

5 A. Right there at 905 -- or 904 and Dothan  
6 Road.

7 Q. Spell that.

8 A. D-o-t-h-a-n.

9 Q. Is it one of those bridges that go  
10 across a little creek?

11 A. Yes.

12 Q. So 904 and Dothan Road?

13 A. Uh-huh (yes).

14 Q. Um, and you stopped, interacted with  
15 him. Did you smell the odor of alcohol?

16 A. I did.

17 Q. And then you, per your protocol, you  
18 contacted your ---

19 A. Traffic team.

20 Q. --- DUI ---

21 A. Traffic team.

22 Q. And the person that responded to that  
23 was Sergeant Potter?

24 A. No.

25 Q. Who was it?

1           A.    I can't recall.  It -- it was another  
2  deputy.  It wasn't Potter.

3           Q.    And did you say anything to Jonathan  
4  Spivey or Jonathan Spivey say anything to you  
5  about you all's ---

6           A.    I can't recall.  You're asking me  
7  something that happened a while back.

8           Q.    Right.  You just don't recall.

9           A.    I don't.

10          Q.    All right.  Did you say you have notes  
11  that would refresh your recollection?

12          A.    I believe I wrote some notes down.  But  
13  it should be with that file.

14          Q.    Okay.  Um, so whichever deputy showed up  
15  is the deputy that took over ---

16          A.    Correct.

17          Q.    --- when you left and went out on ---

18          A.    Correct.

19          Q.    --- continued your patrol.  Is that  
20  right?

21          A.    Right.

22          Q.    Do you recall telling Danielle Spivey  
23  that she stay away from her husband in September  
24  of 2012?

25          A.    No, sir.  I don't.

1           Q.     Do you recall having any interaction  
2     with Danielle Spivey about her relationship with  
3     Jonathan Spivey or Jonathan Spivey's alcohol abuse  
4     issues?

5           A.     No, sir. I don't.

6           Q.     Did you ever suggest that, um -- to  
7     Danielle Spivey that Jonathan Spivey enter a state  
8     rehabilitation program for alcohol abuse?

9           A.     No, sir.

10          Q.     Did you ever talk with Danielle Spivey,  
11     personally call her just to speak with her?

12          A.     I -- I can't recall. I may have, but I  
13     can't recall.

14          Q.     What would have been the purpose of you  
15     calling her?

16          A.     I can't recall.

17          Q.     Do you recall telling Georgeanna that  
18     you thought Danielle Spivey had a drug problem?

19          A.     I can't recall.

20          Q.     Do you recall talking with Georgeanna  
21     about Danielle's, um, narcotics use?

22          A.     No.

23          Q.     No. I mean, that's -- sounds like a  
24     half a no ---

25          A.     I know. No. I know that myself and

1 Agent Cherry talked to Georgeanna and Danielle. I  
2 don't think it was about her narcotics use,  
3 though.

4 Q. So you deny telling, uh, Georgeanna that  
5 you had accessed Danielle's prescription history.

6 A. I cannot access her prescription  
7 history.

8 Q. Okay.

9 A. Only -- only State Bureau of  
10 Investigation can by law.

11 Q. Right. Were you with the SBI agent when  
12 he accessed Danielle Spivey's prescription  
13 history?

14 A. Uh, no. Have I seen a copy of it? Yes.

15 Q. Okay. In the SBI report.

16 A. Yes.

17 Q. Do you recall sharing that information  
18 along with, uh, Special Agent or Agent Cherry with  
19 Georgeanna?

20 A. N -- n -- no. I -- not -- I do not  
21 recall that, but I mean, we don't share other  
22 people's profiles.

23 Q. Okay. Tell me how the SBI became  
24 involved in an investigation of somebody or  
25 someone that resulted in Danielle Spivey being

1 arrested.

2 A. I received that anonymous complaint that  
3 Ms. Spivey was at a local -- or a CVS in Loris,  
4 South Carolina, which is just right across the  
5 line, um, causing a ruckus because she couldn't  
6 get prescription pills.

7 Q. Okay.

8 A. And I turned it over to the SBI to be  
9 investigated like all complaints. If we -- if  
10 there's a conflict, we'll turn it over.

11 Q. And what was the conflict?

12 A. I knew Ms. Spivey and I knew her family.

13 Q. So if there had not been a conflict,  
14 what would you have done?

15 A. Investigated it.

16 Q. And what does that mean to you?

17 A. I -- I would have looked into the  
18 complaint that the anonymous caller gave us.

19 Q. Did the anonymous caller speak with you  
20 or speak with someone in your department?

21 A. That I cannot recall.

22 Q. Um, and so how -- tell me how -- what  
23 you did to turn it over to the SBI.

24 A. I called, uh, Agent Cherry and, uh, told  
25 him what I had. And he came down and we talked

1 about it and he took over from there.

2 Q. Um, how often have you had to call Agent  
3 Cherry because of a personal relationship or a  
4 potential conflict?

5 A. This is my only -- just that time.

6 Q. Okay. But did you continue to  
7 participate in the investigation?

8 A. I assisted. Yes, sir. I did.

9 Q. And when you say you "assisted," does  
10 that mean you accompanied Agent Cherry ---

11 A. I did on interviews. Yes.

12 Q. Um, and did you, uh, accompany Agent  
13 Cherry to speak with Dr. Lawson?

14 A. Yes.

15 Q. Um, and has Dr. Lawson ever been a  
16 doctor -- dentist in this case, that is the  
17 subject of an investigation of writing  
18 prescriptions?

19 A. To my recollection, no.

20 Q. Okay. Um, and did you know where that  
21 prescription was filled that Dr. Lawson had  
22 written?

23 A. Did I know?

24 Q. Yes.

25 A. Agent Cherry told me where it was

1 filled.

2 Q. Well, you were accompanying him. You  
3 were right ---

4 A. Yes.

5 Q. --- there side by side.

6 A. That's what I'm saying.

7 Q. Right.

8 A. He told me where it was filled.

9 Q. And you were with him when he  
10 interviewed Lawson, correct?

11 A. Yes.

12 Q. And what did you understand where it was  
13 filled?

14 A. At Rite Aid, which was Eckerd Drugs.

15 Q. There in Tabor City?

16 A. No, Whiteville.

17 Q. Okay.

18 THE VIDEOGRAPHER/COURT REPORTER:

19 I'm sorry. Where?

20 THE WITNESS: Whiteville.

21 THE VIDEOGRAPHER/COURT REPORTER:

22 Whiteville. Thank you, sir.

23 Q. (Mr. James) It's a local pronunciation.  
24 Whiteville. I'm not making fun. I -- took me a  
25 while to catch on to it. Um, where are you going?

1       Whiteville.

2                   So, did you go to the Rite Aid with  
3       Agent Cherry?

4       A.    Yes, sir. I did.

5       Q.    Did you look at the original  
6       prescription?

7       A.    I did.

8       Q.    Did you, upon looking at the original  
9       prescription, form an opinion as to whether the  
10      original prescription had been altered or changed?

11      A.    Did I form an opinion?

12      Q.    Yes, sir.

13      A.    No, uh, Agent Cherry and I discussed it.

14      Q.    And what did you and Agent Cherry  
15      discuss about the original prescription? Whether  
16      it looked like it had been altered or changed?

17      A.    That it had been altered.

18      Q.    So, you and Agent Cherry both believed  
19      that the original prescription had been altered.

20      A.    Yes.

21      Q.    Okay. And how had it been altered?

22      A.    Um, the number of, uh, tablets was  
23      altered.

24      Q.    But -- so how was it altered?

25      A.    It -- it was from 20 to 30.

1 Q. Okay. So it's your -- it was your and  
2 Agent's Cherry's opinion that the number two had  
3 been changed to a three?

4 A. Correct.

5 Q. And did you take that original  
6 prescription and show it to Dr. Lawson?

7 A. Correct.

8 Q. Did you take the actual written  
9 prescription or a copy of it?

10 A. I can't recall.

11                   Q.     Well, did you ever have the original  
12     prescription in either your possession or Agent  
13     Cherry's possession?

14 A. It was never in my possession.

15 Q. When you were with Agent Cherry when you  
16 were ---

17 A. I can't ---

18 O. --- at Rite Aid?

19 A. I can't recall what he did.

20 Q. Okay. Do you know where the original  
21 prescription is today?

22 A. No, sir.

23 Q. Do you know who represented Danielle  
24 Spivey in the criminal case?

25 A. I do.

1 Q. Who was it?

2 A. Dennis Worley.

3 Q. And if I tell you that Dennis Worley has  
4 the original prescription in his safe at his law  
5 office, would you be surprised?

6 A. No..

7 Q. Okay. Um, were you aware that the  
8 original prescription was left at Rite Aid? That  
9 is, you did ---

10 A. No.

11 Q. Neither you nor Agent Cherry took it.

12 A. I didn't take it. I can only answer  
13 what I done.

14 Q. Okay. Um, did you -- did you or Agent  
15 Cherry make a copy of the prescription?

16 A. I did not.

17 Q. Were you aware that when the assistant  
18 district attorney in Columbus County was shown the  
19 original prescription that all charges against  
20 Ms. Spivey were dropped?

21 A. They weren't dropped. She pled.

22 Q. Is that your understanding?

23 A. My understanding she pled and had to do  
24 certain things. I think she got a 90-96.

25 Q. Okay. You -- you're not aware of what

1 happened after that 90-96?

2 A. If she done what she was supposed to do,  
3 it would be dismissed. Yes.

4 Q. Okay. Sitting here today, you're not  
5 aware that her attorney obtained the original  
6 prescription by subpoena, showed it to the  
7 assistant district attorney in Columbus County ---

8 A. Uh-huh (yes).

9 Q. --- and all charges were dropped against  
10 Ms. Spivey.

11 A. Not to my knowledge. No.

12 Q. You did not know that.

13 A. No. I just know what was talked about.

14 Q. How long have you known Special Agent,  
15 SBI Agent, Cecil Cherry?

16 A. Known several years.

17 Q. Okay. More than five? Less than five?

18 A. More than five.

19 Q. More than five?

20 A. More than five.

21 Q. Uh, more than ten?

22 A. Uh, you're -- you're asking somethin' --  
23 I mean, I can't -- it's been several years.

24 Q. Does -- it -- does he have a region or  
25 does he cover the entire state?

1           A.    He had a region. Uh, he has since been  
2 promoted.

3           Q.    To what?

4           A.    IA in the SBI.

5           Q.    Internal affairs?

6           A.    Yes, sir.

7           Q.    Did you or Agent Cherry contact the  
8 South Carolina DHEC, D-H-E-C?

9           A.    Yes, sir.

10          Q.    Okay. In connection with Ms. Spivey?

11          A.    Yeah -- um, I think we co -- he  
12 contacted them or -- one of us contacted them in  
13 reference to assist us in an interview at Grand  
14 Strand Hospital.

15          Q.    Okay. I know it was the interview that  
16 you had -- you and Cherry had, is that right?  
17 With Ms. Spivey.

18          A.    Yes. At the hospital?

19          Q.    Yes.

20          A.    Yes.

21          Q.    So if you thought conflict, why are you  
22 not just stepping away from this investigation?

23          A.    I'm assisting because Agent Cherry is  
24 not familiar with the people in Columbus County.

25          Q.    I see. So during the interview with

1 Danielle Spivey at Grand Strand Hospital, did --  
2 was that recorded in any fashion?

3 A. I didn't interview her. Um, I think,  
4 Agent Hucks with DHEC interviewed her.

5 Q. But you were present.

6 A. I was out in another room. Yes.

7 Q. Okay. Was that interview, to your  
8 knowledge, recorded with Ms. Spivey?

9 A. I can't tell you that.

10 Q. Um, other than this 90-96 plea that  
11 you've made reference to, do you -- are you aware  
12 of Ms. Spivey ever admitting to altering  
13 Dr. Lawson's prescription?

14 A. Just what I've read.

15 Q. Read where?

16 A. On the -- on the SBI file.

17 Q. Okay. Other than the SBI file.

18 A. No.

19 Q. Ms. Spivey never admitted to you that  
20 she had altered Dr. Lawson's prescription.

21 A. She never told me any -- anything. No.

22 Q. Okay. Well, you -- didn't you have an  
23 interaction with Danielle Spivey that you thought  
24 her husband was selling pills?

25 A. No.

1 Q. Um, have you ever known that Jonathan  
2 Spivey was selling pills or had a suspicion that  
3 he was selling pills?

4 A. No, sir.

5 Q. Narcotics?

6 A. No, sir.

7 Q. Um, and you deny ever telling Danielle  
8 Spivey to stay away from Jonathan Spivey?

9 A. No.

10 Q. The SBI report, and I've got a copy of  
11 it here, on 11-7-2012 says that Spivey was  
12 interviewed by you, Cherry and Agent Hucks. Would  
13 that be an accurate of who were present in the  
14 room?

15 A. I was present in a room.

16 Q. Right.

17 A. But I was not -- we were asked to step  
18 out.

19 Q. Who asked you to step out?

20 A. I think Agent Hucks did on, I guess, a  
21 request by Ms. Spivey.

22 Q. And is it Hucks, H-u-c-k-s?

23 A. Yes.

24 Q. Okay. Um, so Ms. Spivey asked Agent  
25 Hucks to ask you to leave the room?

1           A.    We were asked to leave while they  
2    talked.

3           Q.    I'm just trying to understand what you  
4    just told me you were doing.  Did you just tell me  
5    that ---

6           A.    Uh, Ms. Hucks asked us if we would step  
7    out.  Yes.

8           Q.    Okay.  Is it a Ms. Hucks?

9           A.    Yes.

10          Q.    Okay.  And Danielle Spivey asked  
11    Ms. Hucks to ask you all to step out?

12          A.    To my recollection, yes.

13          Q.    Okay.  Uh, I mean, I'm just ---

14          A.    Yes.

15          Q.    --- making sure I understood what you  
16    said.  If you need to take a call, that's fine.

17          A.    No.  I'm good.

18          Q.    Now, mine's ringing.

19          A.    I'm not calling you.

20          Q.    Okay.  I didn't think so, nor am I  
21    calling you.

22                  Um, how did you know Dr. Lawson was  
23    Danielle's doctor?

24          A.    I did not.  Agent Cherry, um, informed  
25    me.

1 Q. And how did Agent Cherry learn?

2 A. He ran his CSRS report.

3 Q. And that's the report on the, uh,  
4 prescriptions?

5 A. Yes.

6 Q. So it wasn't -- he didn't get a court  
7 order for that. He just ran ---

8 A. He can run -- by law he run a CSRS. Now  
9 we did obtain -- I obtained a court order signed  
10 by a superior court judge to get the records from  
11 Dr. Lawson for Agent Cherry.

12 Q. But you learned it was Dr. Lawson that  
13 you needed to get the records from because the CSR  
14 report, not because of the court order. In other  
15 words ---

16 A. Correct. Correct. Yes.

17 Q. Court order was signed November ---

18 A. Yes.

19 Q. --- 19 ---

20 A. Correct.

21 Q. You interviewed Dr. Lawson November 6.  
22 Agent Cherry wasn't even present.

23 A. Say that one more time.

24 Q. Yeah. Dr. Lawson was interviewed on  
25 November 6, 2012.

1 A. Okay.

2 Q. The court order was not prepared until  
3 November 19, 2012.

4 A. Yes. We talked to him first, but Agent  
5 Cherry knew who wrote the prescription already  
6 through the CSRS.

7 Q. So -- so I understand your earlier  
8 testimony in response to my questions, you had the  
9 opinion -- you had an opinion that the  
10 prescription, the Rite Aid prescription for the  
11 Percocet had been altered. Agent Cherry had the  
12 opinion that the prescription had been altered.  
13 Is that correct?

14 A. Yes.

15 Q. And you all discussed it to reach that  
16 opinion? Or you looked at the original and he  
17 looked at the original and you both had the same  
18 opinion?

19 A. Correct.

20 Q. Was the opinion, um, affected in part by  
21 your interview with Dr. Lawson who told you that  
22 if he -- if he ever writes a prescription for more  
23 than 20 Percocet, he always writes the number out?

24 A. Yes, and documents it. Yes.

25 Q. Okay. And you applied for the court

1 order, is that correct?

2 A. I did. Can we take a break?

3 MR. JAMES: Yes, sir.

4 (Brief recess)

5 Q. (Mr. James) We'll go back to this  
6 anonymous call that was received. What exactly  
7 was the nature of the anonymous call? Was it  
8 reporting the ruckus in the South Carolina  
9 pharmacy or what?

10 A. To my knowledge, it was reporting that  
11 and, um, it was on a weekend and that th -- they  
12 were trying to get up with Dr. Lawson to verify a  
13 prescription that he wrote that was not filled by  
14 that pharmacist.

15 Q. Have -- was the call recorded, the  
16 anonymous call?

17 A. Not to my knowledge. No.

18 Q. Were there notes taken as far as it  
19 related to the anonymous call?

20 A. If it's not in the file with Agent  
21 Cherry's, no.

22 Q. Okay. Let me, uh, I've got two copies  
23 of it. Let me hand you, which I'm not going to  
24 mark, the SBI report. And just -- can you point  
25 me to where the -- there's a reference to the

1 anonymous call? Are you generally familiar with  
2 the report?

3 A. Not these. No.

4 Q. That's right. You just got it a couple  
5 days ago on your phone, right?

6 A. Yeah.

7 Q. And you had not looked at it previously?

8 A. Huh-uh (no). We don't get SBI files. I  
9 guess the only thing it says right here is that he  
10 received a call from me. But it wasn't from DHEC,  
11 though.

12 Q. Well, that -- that's what I was asking,  
13 you know. It says -- the report reads, "On  
14 November 7" it says ---

15 A. Yeah.

16 Q. Little I's, little I threes, i,i,i, that  
17 page number. "On November 7, 2012, Detective  
18 Kevin Norris of the Columbus County Sheriff's  
19 Department received information from South  
20 Carolina DHEC" -- what does "DHEC" stand for?

21 A. I don't know.

22 Q. Okay. "That suspect Danielle Spivey was  
23 trying to pass a prescription that was faxed to  
24 the Loris, South Carolina CVS Pharmacy over a  
25 weekend. The pharmacist could not verify the

1      prescription as being legitimate." Is that a --  
2      an accurate statement?

3           Q.     All that but DHEC. I -- I don't  
4      remember. It was never told me to me that DHEC  
5      was the one that called. That I don't -- the --  
6      the only time to my recollection that DHEC was  
7      involved was to assist us in a interview at Grand  
8      Strand Hospital.

9           Q.     Okay. So it's not accurate in this  
10     report, in this synopsis that you notified -- or  
11     that you were notified by South Carolina DHEC that  
12     suspect ---

13          A.     Correct.

14          Q.     --- Danielle Spivey ---

15          A.     To my knowledge, DHEC was not the one.  
16     No.

17          Q.     Okay. And you don't know why this  
18     report says that.

19          A.     Can't tell you what Agent Cherry did.

20          Q.     Well, this is attributing this remark to  
21     you, correct?

22          A.     Correct. Correct.

23          Q.     But you're saying it's not true.

24          A.     To my recollection, DHEC is not the one  
25     that called and give us the report, to -- to my

1       recollection.

2           Q.    Um, and you don't know what DHEC stands  
3       for.

4           A.    No.

5           Q.    The next paragraph says, "Detective  
6       Norris also discovered Spivey passed a forged  
7       prescription at Rite Aid pharmacy in Whiteville,  
8       North Carolina in August 2012." I read that  
9       right?

10          A.    We on the same page?

11          Q.    Yes, sir. Second paragraph.

12          A.    Okay. I -- I didn't discover she passed  
13       anything.

14          Q.    Um ---

15          A.    The onl -- when I found out was when he  
16       was with me. That's when I found out.

17          Q.    Okay. I'm going to let you keep it ---

18          A.    Okay.

19          Q.    --- just for a second. Not going to  
20       take it out of here, but just hold on to it right  
21       now. So, that's not -- the second paragraph's not  
22       accurate to your knowledge.

23          A.    To my knowledge, no.

24          Q.    So, your first involvement, your best  
25       recollection is that you learned from an anonymous

1 source that there had been a ruckus, uh, at the  
2 South Carolina CVS Pharmacy over the weekend  
3 of ---

4 A. Uh-huh (yes).

5 Q. --- whatever the weekend was,  
6 November 7 ---

7 A. Containing possible forged ---

8 Q. Let me finish.

9 A. Okay.

10 Q. O -- over November 7, 2012, sometime in  
11 that time period.

12 A. Yeah.

13 Q. So this has on November 7 you received  
14 information.

15 A. Correct.

16 Q. And it -- the information received was  
17 related to the ruckus at the South Carolina CVS  
18 Pharmacy where the pharmacist could not confirm a  
19 prescription that was faxed to him allegedly from  
20 Dr. Lawson.

21 A. They thought it was a possible forgery.

22 Yes -- or altered prescription. Yes.

23 Q. All right. And it's -- and -- and  
24 you're saying it's not accurate that DHEC  
25 contacted you, but that some anonymous source ---

1           A.    To my knowledge, no.

2           Q.    No, that's not accurate. Is that what  
3 you're saying?

4           A.    You said that DHEC contact me, and I  
5 said to my knowledge, no.

6           Q.    Okay. Um, and then the second  
7 paragraph, Detective Norris also discovered Spivey  
8 passed a forged prescription at the Rite Aid  
9 Pharmacy in Whiteville, North Carolina on August  
10 2012. And your testimony here today is you didn't  
11 learn that until Agent Cherry was involved.

12          A.    Correct. Correct.

13          Q.    And this says that Detective Lo -- I'm  
14 sorry. This says that, uh, the dentist,  
15 Dr. Lawson, was interviewed on November 29, 2012

16          ---

17          A.    Uh-huh (yes).

18          Q.    But Lawson was interviewed earlier, was  
19 he not?

20          A.    I'll tell you when he was interviewed,  
21 'cause in here -- he was inter -- he was  
22 interviewed on 11-6-12, 2012.

23          Q.    Right. So this is also inaccurate.

24          A.    I guess.

25          Q.    Who made the decision to charge

1 Ms. Spivey with one count of obtaining a  
2 controlled substance by forgery?

3 A. Agent Cherry.

4 Q. And one count of trafficking?

5 A. Agent Cherry.

6 Q. You had nothing to do with that?

7 A. No, sir.

8 Q. Did you concur with it?

9 A. I believe he asked me, and I belie --  
10 you know, if it's his -- I mean, it's his  
11 investigation. I don't jump into somebody's other  
12 -- investigation, and it's a conflict. I try to  
13 stay out of it. I just assisted him in helping  
14 him out with the people, 'cause he didn't know  
15 anybody down there, and ---

16 Q. Well, you ---

17 A. --- any which way I can.

18 Q. You assisted him by participating in  
19 every meeting, correct?

20 A. I was in -- yes.

21 Q. You -- you participated. You were at  
22 Grand Strand Hospital ---

23 A. I was.

24 Q. --- when Danielle Spivey was  
25 interviewed.

1 A. I was.

2 Q. You weren't in the interview room,  
3 because someone asked you to leave.

4 A. Correct.

5 Q. And asked Agent Cherry to leave.

6 A. Correct.

7 Q. You were with Agent Cherry when he went  
8 to interview the pharmacist at the CVS.

9 A. Correct.

10 Q. You were with Agent Cherry when you went  
11 to interview, um, Dr. Lawson.

12 A. Correct.

13 Q. You were with Agent Cherry when the  
14 decision was made to charge Danielle Spivey.

15 A. No, I was not.

16 Q. Okay. Where were you?

17 A. When he took out the warrants? I don't  
18 -- I can't give you -- I can't recall where I was  
19 at.

20 Q. Okay. You obtained the court order.

21 You personally obtained the court order ---

22 A. I did.

23 Q. --- for the superior court judge.

24 A. I did. Yes.

25 Q. Um, and you met with the superior court

1 judge.

2 A. Yes.

3 Q. And you were present in court when  
4 Danielle Spivey appeared.

5 A. I was with Agent Cherry. Yes, I was.

6 Q. Okay. Assisting him.

7 A. I was.

8 Q. You were aware Ms. Spivey was a nurse?

9 A. I was. Yes, sir.

10 Q. Have you arrested any other healthcare  
11 providers, specifically nurses, for drug  
12 infractions?

13 A. Yes, I have.

14 Q. And are you aware -- strike that.

15 Had you arrested other healthcare  
16 professionals prior to the arrest of Danielle  
17 Spivey?

18 A. Yes.

19 Q. And are you aware of what the nursing  
20 board does in response to an arrest?

21 A. Yes.

22 Q. And what is that?

23 A. Uh, that is, um, temporarily suspend  
24 them.

25 Q. Okay. So you knew that would be the

1 consequence for Ms. Spivey when she was arrested.

2 A. Yes.

3 Q. Given that she was a nurse.

4 A. I knew what happened prior, what they  
5 did. Yes. But not, I didn't know that was  
6 protocol. No.

7 Q. Did you speak with or do you know ADA  
8 Heath Nance?

9 A. I do.

10 Q. And did you speak with him about  
11 Danielle's case?

12 A. I did on 11-9-2012.

13 Q. And that's on what page?

14 A. Whatever page you want to call it.

15 Q. Okay. Is that your handwriting?

16 A. That is.

17 Q. See if I can find it. I would have  
18 numbered these pages, but I was afraid somebody  
19 from the ---

20 A. Here.

21 Q. --- great SBI ---

22 A. Here.

23 Q. --- would fuss at me. So who's -- this  
24 is your handwriting?

25 A. Yes, sir.

1 Q. Okay. So you write in the third person  
2 when you're writing notes. "Detective Norris,"  
3 that's you.

4 A. Uh-huh (yes).

5 Q. And you're writing it?

6 A. Uh-huh (yes).

7 Q. Okay. Detective Norris speaks with ADA  
8 B.H. Nance about case on November 9, 2012.

9 A. Uh-huh (yes).

10 Q. Uh, do you remember that conversation?

11 A. No, I don't.

12 Q. But you did note it for the file.

13 A. Yes.

14 Q. But you don't know what you talked  
15 about.

16 A. No.

17 Q. So the names of these people at the top  
18 are the three doctors, dentists, oral surgeons  
19 that were treating Danielle Spivey.

20 A. Yes.

21 Q. Okay. And then over here at the right,  
22 it's got 2012-OT through 02531716-8. You know  
23 what that ---

24 A. I don't know what that is.

25 Q. Okay. But your handwriting ---

1 A. That's not my handwriting.

2 Q. Okay. So ---

3 A. Hold on. Verify that. I think that's  
4 on every page. So that's not -- I think he has it  
5 numbered. Whoever -- whoever did that has  
6 numbered it. I don't know why.

7 Q. Okay. So you wrote here in your  
8 handwriting, "Tuesday, 11-6-12 spoke with  
9 Dr. Lawson. Dr. Lawson states that in his file  
10 for 8-17-12, Lawson gave D. Spivey script for  
11 Perc" -- meaning Percocet?

12 A. Yes.

13 Q. "10/6/15."

14 A. Uh-huh (yes).

15 Q. "Twenty number at Rite Aid. The  
16 prescription was for 30. The script looks like it  
17 had been altered."

18 A. Uh-huh (yes).

19 Q. "Looks like it been altered." And  
20 that's before you actually got the script, isn't  
21 it?

22 A. I was looking at his. I believe it was  
23 in his office.

24 Q. You were looking at his medical note.

25 A. Yes.

1           Q.    But not the prescription.

2           A.    I think he made a copy if I re -- to my  
3    recollection, there was a copy of it in there.

4           Q.    Okay. The only copy in this SBI report  
5    is the one from the pharmacist, correct?

6           A.    Yeah.

7           Q.    Yeah. Here's -- here's the one that's  
8    in the report. You can look through that and see  
9    if you see another one.

10          A.    What page is that?

11          Q.    They're not numbered, so. Well, we're  
12    making great time. So you got all the time in the  
13    world. Just take your time to look through and  
14    find it. It looks like it's about halfway  
15    through. That's a little help. Let me go off the  
16    record while you look for that.

17          A.    Here it is, I think.

18          Q.    You just passed it.

19          A.    No, it looks like a receipt.

20          Q.    Oh. Okay. Let me go off the record.

21          (Off-record from 9:50 a.m. to 9:55 a.m.)

22          Q.    (Mr. James) All right. So, I'm going to  
23    mark this as Exhibit One to this deposition,  
24    Mr. Norris, and then with you all's permission,  
25    I'm going to number the pages at the bottom right

1 just for re -- ease of reference.

2 (DEPOSITION EXHIBIT

3 NUMBER ONE WAS MARKED

4 FOR IDENTIFICATION)

5 And Mr. Court Reporter, this is a  
6 confidential document pursuant to a stipulated  
7 protective order in the case. So it needs to be  
8 sealed as part of the transcript.

9 THE VIDEOGRAPHER/COURT REPORTER:

10 Understood.

11 MR. JAMES: Sorry. I didn't do  
12 this in advance. Let me go off the record while  
13 I'm doing this. Sorry.

14 (Off record: 9:57 a.m. to 10:02 a.m.)

15 Q. (Mr. James) All right. Mr. Norris, let  
16 me put a little Post-it on this page. I have  
17 marked for identification a document that's going  
18 to be sealed, Exhibit One, for identification.

19 And I've numbered the pages. The pages that we  
20 were looking at earlier in your deposition was  
21 page eight, triple I, little I's. That's the  
22 synopsis ---

23 A. Yes.

24 Q. --- that you were referring to ---

25 A. Yes.

1           Q.    --- just to orient us. And then you  
2   have, at my request, looked through and --

3           A.    --- another page.

4           Q.    Yeah. So we were also looking earlier  
5   at a page that was not numbered. It's now  
6   numbered 43. Those were your handwritten notes  
7   that you made -- and 44.

8           A.    Correct.

9           Q.    Your handwritten notes in which you  
10   identified yourself in the third person.

11          A.    Yes.

12          Q.    Okay. Um, and then at my request, you  
13   located a copy of the Dr. Lawson August  
14   prescription that Danielle Spivey allegedly  
15   altered or someone altered. Is that correct?

16          A.    Correct.

17          Q.    And this is a copy of the prescription.  
18   Is that correct?

19          A.    Yes.

20          Q.    All right. And so my question  
21   originally before we went off on this little side  
22   journey, uh, was whether this was the copy that  
23   came from Dr. Lawson's office or came from the  
24   pharmacy.

25          A.    I -- I cannot tell you.

1           Q.    Do you recall the pharmacist sharing  
2 with you that his line going across there  
3 (indicated) is the way the pharmacist noted on the  
4 prescription that he had filled it?

5           A.    Uh, I can't recall.

6           Q.    Okay. Uh, d -- do you recall seeing --  
7 strike that.

8           Do you know whether Dr. Lawson had a  
9 carbon copy or a copy of this prescription at his  
10 office?

11          A.    I can't recall.

12          Q.    There's no reference there in it.

13          A.    No.

14          Q.    Okay. Do you recall whether you  
15 brought the prescription to Dr. Lawson? Or did  
16 you obtain a copy of the prescription after you  
17 met with Dr. Lawson?

18          A.    No. I can't recall.

19          Q.    How about looking in the notes and see  
20 if you can refresh your recollection about what  
21 happened first.

22          (Witness complied)

23          A.    It says, um, Special Agent Cherry on  
24 November 7th got one from Rite Aid.

25          Q.    So that was the day after you spoke with

1 -- you and Agent Cherry spoke with Dr. Lawson,  
2 correct? You spoke with Lawson on the sixth ---

3 A. On the sixth, yes. Yes.

4 Q. So you never doubled back -- you and  
5 Cherry never doubled back to Lawson and say, "Hey,  
6 here's the prescription. What do you think?"

7 A. Not to my recollection. No.

8 Q. Are there any other pages in the  
9 confidential SBI report that you wrote as opposed  
10 to Agent Cherry writing? You can just look  
11 through each page.

12 A. No, just that and the 18 and 19. That's  
13 the -- the order that I typed.

14 Q. Okay. The ---

15 A. Order signed by ---

16 Q. Order ---

17 A. --- superior court judge, resident  
18 superior court judge.

19 Q. Who is that?

20 A. Douglas B. Sasser.

21 Q. Okay.

22 A. And I served it.

23 Q. When you went to interview Dr. Lawson  
24 November 6th, did he pull his chart on Danielle  
25 Spivey?

1 A. He did, 'cause there's copies of it.

2 Q. So, he gave you Danielle Spivey's chart  
3 before you had a court order.

4 A. No. We got this on, um, whenever we did  
5 the order. We did the order on 11-19. This is  
6 after we talked to him. We did that on 11-19.

7 Q. Right. My question was, did Dr. Lawson  
8 give you a copy of Danielle Spivey's chart ---

9 A. No. No, sir.

10 Q. --- when you went to talk with him?

11 A. No, sir.

12 Q. Was he referring to the chart when you  
13 went to talk with him?

14 A. I cannot recall that.

15 Q. Okay. Where did you meet with  
16 Dr. Lawson? Do you have in your mind's eye a  
17 recollection of that meeting?

18 A. At his office, at his dentist office.

19 Q. Yeah. Where in the dental office?

20 A. In his office.

21 Q. In his non-laboratory type office, where  
22 there's a desk?

23 A. Correct. Yes, sir.

24 Q. And you sat at a chair ---

25 A. Yes, sir.

1 Q. --- (inaudible) ---

2 A. Yes, sir.

3 Q. Cherry set up a chair and ---

4 A. Yes, sir.

5 Q. --- Lawson was behind the desk. Did  
6 Lawson have to go get Danielle Spivey's chart to  
7 refresh his recollection?

8 A. I -- I can't recall.

9 Q. Okay. And I've asked this before, but  
10 let me ask it by date. Um, on February 22nd,  
11 2013, Assistant District Attorney Nance filed a  
12 voluntary dismissal of all charges against  
13 Danielle Spivey, and you were not aware of that.

14 A. Not to my recollection. No.

15 Q. Okay. Have you ever read the complaint  
16 in this case? I know you didn't read it in  
17 preparation for the deposition, but have you ever  
18 read it at any time?

19 A. No.

20 MR. JAMES: Okay. That's all the  
21 questions I have.

22 MR. WOOD: Can we go off the  
23 record ---

24 MR. JAMES: Sure.

25 (Off record from 10:10 a.m. to 10:12 a.m.)

## 1 EXAMINATION

2 BY MR. WOOD:

3 Q. Detective Norris, my name is Brad Wood.  
4 I represent Sheriff Hatcher in this matter. Had  
5 just two short questions ---

6 A. Yes, sir.

7 Q. --- to ask you. Did you ever talk with  
8 Dr. Lawson outside of the presence of Special  
9 Agent Cherry?

10 A. To my recollection, no.

11 Q. Was Special Agent Cherry with you  
12 whenever y'all spoke with ---

13 A. Yes, sir. Yes, sir.

14 Q. --- Dr. Lawson?

15 A. Yes, sir.

16 Q. And then did -- did -- can you recall  
17 ever saying anything to Ms. Spivey, the plaintiff  
18 in this case, to the effect of she needed to leave  
19 her husband or her husband was -- was in -- bad  
20 news or something to that effect?

21 A. No, sir.

22 MR. WOOD: That's all the questions  
23 that I have.

## 24 EXAMINATION

25 BY MR. JAMES:

1           Q.    When you say, "No, sir," are you saying  
2    that you never said it or you just don't recall  
3    saying anything to Danielle?

4           A.    Never said anything about her husband.  
5    No, sir.

6           Q.    Okay. So if she recalls something  
7    different, you're saying ---

8           A.    That's ---

9           Q.    --- she's not being truthful?

10          A.    That's her. But, no, I don't talk about  
11    other people.

12          Q.    No, you don't talk about other peoples?

13          A.    Other people. I don't -- I don't say  
14    nothing negative. I...

15            MR. JAMES: Okay. All right. I  
16    didn't -- I didn't mean to preempt you if you were  
17    (inaudible). Okay. I guess we're done.

18            MR. BLANCHARD: No questions from  
19    me. Thank you.

20            MR. JAMES: Thank you. Got you out  
21    of here on time.

22            THE VIDEOGRAPHER/COURT REPORTER:  
23    We're off the record.

24            WHEREUPON, at 10:14 o'clock a.m., the  
25    deposition was adjourned.

Detective Kevin Norris

CERTIFICATION

I, Paul Rohricht, Notary Public in and for the County of Mecklenburg, State of North Carolina at Large, do hereby certify:

That there appeared before me the foregoing witness at the time and place herein aforementioned;

That the said witness was sworn by me to state the truth, the whole truth, and nothing but the truth, in said cause;

That the testimony was taken before me and recorded by Stenomask, thereafter reduced to typewriting under my direct supervision, and the foregoing consecutively numbered pages are a complete and accurate record of all the testimony given by said witness;

That the undersigned is not of kin, nor in anywise associated with any of the parties to said cause of action, nor their counsel, and that I am not interested in the event(s) thereof.

Reading and signing of the testimony was requested.

IN WITNESS WHEREOF, I have hereunto set my hand this the 13th day of June, 2016.

CHAPLIN & ASSOCIATES

Notary No. 201414800039      20006 North Cove Road, Suite 100  
Cornelius, NC 28031

Detective Kevin Norris

WITNESS CERTIFICATION

I, DETECTIVE KEVIN NORRIS, do hereby certify,  
That I have read and examined the contents of the  
foregoing pages of record of testimony as given by me at the  
times and place herein aforementioned;

And that to the best of my knowledge and belief, the  
foregoing pages are a complete and accurate record of all  
the testimony given by me at said time, except as noted on  
the attached here (Addendum A).

I have \_\_\_\_\_ / have not \_\_\_\_\_ made changes/corrections  
to be attached.

(WITNESS SIGNATURE)

I, \_\_\_\_\_, Notary Public for  
the County of \_\_\_\_\_, State of \_\_\_\_\_,  
do hereby certify:

That the herein-above named personally appeared before  
me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;

And that I personally witnessed the execution of this  
document for the intents and purposes herein above  
described.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

(SEAL)

Detective Kevin Norris

## ADDENDUM A

Upon the reading and examination of my deposition testimony as herein transcribed, I note the following changes and/or corrections with accompanying reason(s) for said change/correction:

Page Line Is Amended to Read

## EXHIBIT 1

Exhibit 1 to this deposition, the North Carolina State Bureau of Investigation's Report Number 2012-02531 (716), is being filed under seal.